

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/EP2004/050704

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 3-5

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the
Administrative Instructions in that:

the written form

☐

has not been furnished

☐

does not comply with the standard

the computer readable form

☐

has not been furnished

☐

does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with
the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1,2,6-16	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1,2,6-16	NO
Industrial applicability (IA)	Claims		YES
	Claims	1,2,6-16	NO

2. Citations and explanations:

see appended sheet

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Written Opinion of the Inter-
national Searching Authority

Appended Sheet

Re Section III

No opinion drafted on novelty, inventive activity, and industrial applicability.

The hazy and imprecise statement in the specification on page 3, lines 7-14, is vague and unclear, and leaves the reader uncertain about the meaning of the corresponding technical features. The subject matter of Claims 3-5 relates to this statement, and is therefore not clearly defined (Article 6 PCT).

Re Point V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: US 4,321,666 A

D2: "ARCHITECTURAL SUPPORT FOR DESIGNING FAULT-TOLERANT OPEN DISTRIBUTED SYSTEMS", COMPUTER, IEEE COMPUTER SOCIETY, LONG BEACH., US, Vol 25. Number 5, pp 50-61, 06-01-1992, XP 303775

D3: EP1107119 A

1. The present Application does not satisfy the requirements of Article 33(1) PCT, because the subject matter of Claims 1, 2, 6 through 16 is not based on an inventive step in the sense of Article 33(3) PCT.

1.1 Document D1 describes (the references in brackets relate to this document) a „Method for Monitoring a Distributed System“ (message monitoring, column 2, lines 9-18), which is made up of several users („computers“, column 5, lines 7-10, Fig. 1), which are connected via a „communication link“ (column 5, lines 19-22, Fig. 1, ref. 16,18,20), wherein at least a number of the users are provided as monitoring users (all computing devices in D1 are able to monitor messages, column 2, lines 9-18) and process data („messages“, column 11, lines 50-53, Table II-A) of at least one monitored user are filed in data areas of memory units of the communication link, to which the monitoring users have access (the messages are filed in the memories of the computing units, see „temporary storage buffer“, column 19, lines 44-51 and „registers“, column 26, lines 3-11) and the process data are evaluated by the monitoring users (fault detection in the messages, column 14, lines 7-10).

Therefore, the subject matter of Claim 1 differs from that in D1 in that the users are connected using a bus system.

D1 describes that the users are able to be connected by any serial communications links (column 5, lines 30-34). In the selection of a bus system, what is involved is only one of several obvious possibilities from which one skilled in the art, without inventive assistance, would make a selection, corresponding to the circumstances, in order to connect the users to one another (see, for example, D2, page 54, right column, lines 5-15, Fig. 2).

Therefore, the subject matter of Claim 1 is not based on an inventive step pursuant to Article 33(3) PCT.

1.2 The subject matter of Claims 13,15,16 relates to devices that correspond to the method of Claim 1, and therefore is not based on an inventive step pursuant to Article 33(3) PCT.

1.3 With respect to Claims 6-10, the computing devices in D1 generate outcome data („Error Message“, column 14, lines 7-22) as a function of the evaluation of the process data. Therefore, the subject matter of Claims 6-10 is not based on an inventive step pursuant to Article 33(3) PCT.

1.4 The memory units that store process data are included within each user ("temporary storage buffer", column 19, lines 44-51 and "registers", column 26, lines 3-11). Therefore, the subject matter of Claims 2,11 is not based on an inventive step pursuant to Article 33(3) PCT.

1.4 Document D1 describes an evaluation of the outcome data (column 18, lines 29-35). Dependent Claim 12 has a slight structural change, which lies within the scope of what one skilled in the art is in the habit of doing, based on considerations familiar to him, especially since the

advantages achieved thereby may be foreseen without any problem (see, for example, D3, column 9, lines 2-12).

Therefore, the subject matter of Claim 12 is not based on an inventive step pursuant to Article 33(3) PCT.

Y. Sabbah